

**DENTISTRY EXAMINING BOARD  
MARCH 2, 2005  
MINUTES**

**PRESENT:** Lori Barbeau, DDS; Bruce Barrette, DDS; David Carroll, RDH; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Wilber Gill, DDS; Karen Jahimiak, DDS; Richard Strand, DDS. J.

**EXCUSED:** Judith Ficks and Catherine Schleis, RDH

**STAFF:** Tom Ryan, Bureau Director; Steven Gloe, General Counsel; Tina Horton, Bureau Assistant; Dennis Schuh was excused.

**GUESTS:** Linda Bohacek, RDH; Shirley Gutkowski, RDH, WDHA; Peter Theo, WDHA; Constance Schuster, RDH, WDHA; Nancy McKenney, RDH, DHFS; Karen Ordians, Mara Brooks, WDA; Fred Jaeger, DDS; Warren LeMay, DDS, MPH; Pat Schneider, Madison Capital Times Newspaper.

**CALL TO ORDER**

Chair Dr. Barrette called the meeting to order at 8:45 a.m.

**PLEDGE OF ALLEGIANCE**

The Board, DRL staff, and guests recited the pledge of allegiance.

**APPROVAL OF AGENDA**

**AMENDMENTS:**

- **Delete:** Rule Draft Review – Oral Conscious Sedation
- **Add:** Credentialing Report – Dr. Strand
- **Add:** Board Review of Legal Counsel Performance - Discussion

**MOTION:** Dr. Gill moved, seconded by Mr. Carroll, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 19, 2005 AND TELECONFERENCE  
SUBCOMMITTEE MINUTES OF JANUARY 25, 2005**

**MOTION:** Dr. Gill moved, seconded by Dr. Strand, to approve the minutes of January 19, 2005 and January 25, 2005. Motion carried unanimously.

**APPOINTMENTS TO LIAISON, COMMITTEE AND PANEL POSTS**

Dr. Barrette made appointments as follows:

**Credentialing:** Karen Jahimiak, DDS; Catherine Schleis, RDH; Richard Strand, DDS

**Screening Panel:** David Carroll, RDH; Keith Clemence, DDS; Wilber Gill, DDS

**CRDTS Steering Committee:** Richard Strand, DDS

**Legislative Liaison:** Wilber Gill, DDS

**Dentistry Examination Review Committee:** Bruce Barrette, DDS

**Dental Hygiene Examination Review Committee:** Nanette Kosydar Dreves, RDH

**Impaired Provider Program Liaison:** Judith Ficks

**PRESENTATION OF STIPULATIONS THAT MAY BE RECEIVED IN THE BUREAU  
AFTER MAILING OF THE AGENDA**

Attorney Gil Lubcke presented the proposed stipulation, final decision and order in the matter concerning James Michael, DDS. This matter will be deliberated in closed session.

**ADMINISTRATIVE REPORT**

There were no items to present at this time.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND  
ADMINISTRATIVE RULES**

Noted.

**BUDGET UPDATE**

DRL Deputy Secretary Sandra Rowe appeared before the Board to discuss Governor Doyle's budget proposals that have a direct impact on DRL. Discussion ensued regarding the agency request to allow DRL to appeal decisions reached by the Boards. Dr. Barrette, Dr. Strand and Dr. Gill stated that they are concerned about DRL superseding the Board's authority to make decisions. Ms. Rowe reiterated that the Governor did not include this agency request in his proposal. After further discussion on that point, Ms. Rowe reviewed the attorney, IT and Human Resources consolidation proposals in the Governor's budget, outlined the next steps in the budget approval process, and explained limits imposed on DRL's ability to spend based on expenditure authority caps imposed by the legislature.

**ADA INVITATION TO PARTICIPATE IN ACCREDITATION SITE VISITS**

Dr. Barrette noted the invitation to participate and asked for interested Board members to contact him if they are interested in participating.

**RULE DRAFT REVIEW: WIS ADMIN CODE § DEN 1.02 (4) (m)**

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## **DEFINITION OF A DENTAL SCHOOL**

Dr. Barrette indicated that changes were made to the rule regarding the definition of a dental school in response to the comments by the Legislative Clearinghouse. A draft copy of the rule with proposed amendments was provided to the Board.

**MOTION:** Dr. Clemence moved, seconded by Dr. Gill, to approve the final draft of the rule as amended. Ms. Dreves was not present for the discussion or vote.  
Motion carried unanimously.

## **DISCUSSION: CPR REQUIREMENTS FOR LICENSURE**

Barbara Showers, PhD, DRL Director of the Office of Education and Examinations, appeared before the Board to discuss various options available for certifying in CPR. The Board deferred decision and asked for the subject to be placed on a future meeting agenda.

## **DISCUSSION: REGULATORY DIGEST**

Ms. Dreves continues preparation of the Digest and anticipates she will have a draft to present for Board approval at the May meeting.

**MOTION:** Dr. Strand moved, seconded by Dr. Gill, that the Department of Regulation and Licensing allocate funds to print and distribute hard copies of the Regulatory Digest. Motion carried unanimously.

## **CONSIDERATION OF SCOPE STATEMENT RE: ORAQIX**

The Board discussed how Wis. Admin. Code DEN 7 applies to Oraqix, a new local anesthetic that is administered via a surface applicator rather than by injection. Applicability of the rule as currently written is not clear because it was written to require training for administering injection of local anesthetics. Since this product is the first of its kind, the rule did not contemplate training requirements necessary to administer it. The Board decided by consensus that a course requirement for local anesthetics delivered via surface applicators should not be subject to the course requirement for injections. Until a rule change is completed a local anesthetic certificate is needed for a dental hygienist to use a surface applicator type anesthetic such as Oraqix.

**MOTION:** Dr. Clemence moved, seconded by Dr. Gill, to draft a scope statement amending Wis. Admin. Code DEN 7 to clarify that the chapter applies to apply to injectable local anesthetics only.

## **ADLEC SUMMARY REPORT: ADEX DEVELOPMENT OF NATIONAL EXAMS FOR DENTISTS AND DENTAL HYGIENISTS**

Dr. Barrette reviewed recent progress relating to the development of a national examination for dentists and dental hygienists.

## **BOARD WEBSITE: WHITE PAPERS – RECORDKEEPING REMINDERS AND LASER USE BY DENTAL HYGIENISTS**

Ms. Dreves handed out to the board items that will be submitted for posting on the board's website. These have previously been published in the Regulatory Digest. The first item, "Recordkeeping Reminders," alerts dental licensees of the importance of appropriate recordkeeping practices. The second item, "Laser Use by Dental Hygienists," provides guidance on the use of lasers.

Ms. Dreves also noted that a link was added to a currently posted position paper on "Teeth Whitening" that includes a recent Attorney General's opinion on the same subject that is contradictory to the Board's position. Dr. Strand stated that he believes the Board should have been given the opportunity to review this position before posting and that it is confusing to credential holders.

**MOTION:** Dr. Jahimiak moved, seconded by Mr. Carroll, to approve for posting on the DRL website the articles "Recordkeeping Reminders" and "Laser Use by Dental Hygienists." Motion carried unanimously.

**MOTION:** Ms. Dreves moved, seconded by Dr. Strand, that the link on the website position paper related to teeth whitening be removed. Motion carried unanimously.

## **CREDENTIALING REPORT**

Dr. Strand reported 27 dentists and 7 dental hygienists have been licensed to date.

## **CRDTS REPORT**

Dr. Strand reported that there are fewer CRDTS dental candidates in 2005 than there were in 2004, and the costs extended for administering exams to both dentists and hygienists has increased. It is anticipated that CRDTS will eventually be incorporated into the national examination. Of the 18 appeals of examination procedures, 15 were upheld and 3 were reversed. Recently the state of Virginia voted in favor of accepting CRDTS results.

## **AADE REPORT**

Dr. Barrette reported the AADE Mid-Winter meeting in Chicago would contain important information related to the continued development of a national examination and encouraged Board members to attend. Comments provided by Dr. Strand included the importance of DRL financial support for this important Board function and others related to the national exam development..

## **INFORMATIONAL ITEMS**

Dr. Barrette congratulated Deanna Zychowski of DRL for her nomination and receipt of the 2005 Federation of State Medical Board's Meritorious Service Award recognizing her contributions in the field of medical licensure and discipline. Deanna was nominated for this

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honor by several individuals with whom she has worked throughout the course of her career. Deanna will attend the FSMB's Annual Meeting this fall in Texas to accept the honor.

### **INVITATION OF NEW APPOINTMENT(S) INTO CLOSED SESSION**

**MOTION:** Dr. Clemence moved, seconded by Dr. Jahimiak, to invite new appointment Linda Bohacek, RDH, into closed session. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Dr. Barrette moved, seconded by Mr. Carroll, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)), to consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205), to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote.  
Time: 10:40 a.m.

### **RECONVENE INTO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Dr. Gill moved, seconded by Mr. Carroll, to reconvene into open session. Motion carried unanimously. Time: 1:12 p.m.

### **PROPOSED RESCINDING OF ADMINISTRATIVE WARNING 01 DEN 49**

**MOTION:** Ms. Dreves moved, seconded by Mr. Carroll, to rescind the Administrative Warning in the matter of 01 DEN 49. Motion carried unanimously.

### **DOE MONITORING**

#### **GREGG SEYLER, DDS**

Dr. Seyler appeared before the Board as required having previously submitted a written request for modifications to his therapy and substance screening schedules. The Board denied the modifications and granted a three month stay of suspension.

#### **LEE KRAHENBUHL, DDS – REVIEW OF MONITOR**

The Board will stay informed of Dr. Krahenbuhl's monitor's health status and may request a change of the current monitor as needed. This will be reviewed at a future Board meeting.

### **DELIBERATION OF PROPOSED STIPULATIONS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

#### **DELIBERATION OF PROPOSED STIPULATION IN THE MATTER CONCERNING JAMES MICHAEL, DDS**

**MOTION:** Dr. Gill moved, seconded by Ms. Dreves to further review the facts and records in the matter of the proposed stipulation of 02 DEN 122. This review is to include billing records, attorney and case advisor to reconcile the findings of fact again at our next Board meeting.

**APPLICATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF THE  
AGENDA**

**CLAYBORN TAYLOR, DDS**

**MOTION:** Dr. Gill moved, seconded by Dr. Strand, to defer consideration of this application at a future Board meeting and to request disciplinary information from the Ohio State Dental Board. Motion carried unanimously.

Ms. Dreves will write the follow up letter to the Ohio Board.

**DOE CASE CLOSINGS**

**MOTION:** Ms. Dreves moved, seconded by Dr. Jahimiak, to close case 03 DEN 038 for insufficient evidence. Motion carried unanimously.

**MOTION:** Ms. Dreves moved, seconded by Mr. Carroll, to close case 04 DEN 005 for no violation. Motion carried unanimously.

**MOTION:** Mr. Carroll moved, seconded by Dr. Barbeau, to close case 04 DEN 017 for insufficient evidence. Motion carried unanimously.

**BOARD REVIEW OF LEGAL COUNSEL PERFORMANCE**

The Chair asked the Bureau Director and Bureau Assistant to leave the room for this discussion.

**MOTION:** Dr. Strand moved, seconded by Ms. Dreves, to authorize the Dentistry Board through its leadership to take all actions deemed necessary in order to preserve its statutory authority and resolve the conflicts of opinion between the Dentistry Examining Board and the Department of Regulation and Licensing. Motion carried. Dr. Barbeau abstained from voting.

**ADJOURNMENT**

**MOTION:** Dr. Gill moved, seconded by Dr. Strand, to adjourn the meeting at 1:18 p.m. Motion carried unanimously.

**NEXT MEETING: MAY 4, 2005**